

The Honorable Judge Robert J. Bryan

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

NORTHWEST HOME DESIGNING INC.,

Plaintiff,

v.

SOUND BUILT HOMES INC., *et al.*,

Defendants,

v.

REMIDCO, INC., *et al.*,

Third-Party Defendants.

GERRY SLICK, *et al.*,

Counter-Claimants,

v.

NORTHWEST HOME DESIGNING INC.,

Counter-Defendant.

Case No.: 3:10-cv-05016-RJB

CONSENT JUDGMENT

Before the Court is the Joint Motion for Consent Judgment filed by Plaintiff Northwest Home Designing, Inc. ("NHD") and Defendants Sound Built Homes, Inc, Sunridge Homes, Inc.,

1 Soundbuilt Northwest, LLC, and Gary J. Racca (collectively, “the Sound Built Defendants”).

2 Pursuant to Rule 58 of the Federal Rules of Civil Procedure and the agreement of the parties, the

3 Court enters judgment for NHD and against the Sound Built Defendants as follows:

4 **FINDINGS OF FACT**

5 1. Plaintiff NHD is a Washington corporation with its principal place of business in
6 Lakewood, Washington.

7 2. Defendant Soundbuilt Northwest, LLC is a limited liability company organized
8 under the laws of Washington and is based in Puyallup, Washington. Defendants Sound Built
9 Homes, Inc., doing business as Soundbuilt Homes, and Sunridge Homes, Inc., were corporations
10 that were merged with Soundbuilt Northwest, LLC in the manner required by law, in December,
11 2008. Defendant Racca is a resident of this district, is named in this action in his individual
12 capacity, and the action concerns his separate property. These defendants are referred to herein
13 as the “Sound Built Defendants,” and they engage in the homebuilding business.

14 3. In or about 1984, NHD created an original home plan identified as the G-262
15 plan. NHD owns Copyright Registration No. VA 420-485 for the G-262 plan, which is valid and
16 subsisting.

17 4. In or about 1996, NHD created an original home plan identified as the I-161 plan.
18 NHD owns Copyright Registration No. VA 1-685-525 for the I-161 plan design, which is valid
19 and subsisting.

20 5. The Sound Built Defendants copied and created derivatives of the G-262 plan
21 designated as the 1669 plan and used the 1669 plans to construct homes, all without the
22 permission or consent of NHD.
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1 13. As between NHD and the Sound Built Defendants, the parties shall bear their own
2 cost and fees associated with this litigation, without compromise of the Sound Built Defendants'
3 obligations under the Settlement Agreement with NHD.

4 14. The Court retains jurisdiction to enforce this Order and the Settlement Agreement.

5 15. The clerk shall enter judgment in favor of Plaintiff and against the Sound Built
6 Defendants consistent with the terms of this order.

7 16. The claims of both NHD and the Sound Built Defendants against the remaining
8 parties to this action continue without compromise or abatement.

9 The Court, having considered the same and being otherwise fully advised, hereby orders
10 that the Joint Motion for Entry of Consent Judgment is **GRANTED**.

11 DONE IN OPEN COURT this 11th day of April, 2011.

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14 ROBERT J. BRYAN
15 United States District Judge
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PRESENTED BY:

FOSTER PEPPER PLLC

s/ Samuel T. Bull

Samuel T. Bull, WSBA No. 34387
Michael S. Schechter, WSBA No. 35602
Foster Pepper PLLC
1111 Third Avenue, Suite 3400
Seattle, WA 98101
Telephone: (206) 447-4400
Fax: (206) 447-9700
Email: bulls@foster.com
schmi@foster.com

COATS & BENNETT, PLLC

(Admitted *Pro Hac Vice*)

David E. Bennett, NC State Bar No. 12,864
Anthony J. Biller, NC State Bar No. 24,117
1400 Crescent Green, Suite 300
Cary, NC 27518
Telephone: (919) 854-1844
Fax: (919) 854-2084
Email: dbennett@coatsandbennett.com
abiller@coatsandbennett.com

*Attorneys for Plaintiff
Northwest Home Designing, Inc.*

SCHWABE, WILLIAMSON & WYATT, P.C.

s/ Matthew Turetsky

Matthew Turetsky, WSBA No. 23611
Aaron M. Laing, WSBA No. 34453
Virginia R. Nicholson, WSBA No. 39601
US Bank Centre
1420 5th Ave., Suite 3010
Seattle, WA 98101
Telephone: (206) 622-1711
Fax: (206) 292-0460
Email: mturetsky@schwabe.com
alaing@schwabe.com
vnicholson@schwabe.com

*Counsel for Defendants Sound Built Homes, Inc,
Sunridge Homes, Inc., Soundbuilt Northwest,
LLC, and Gary J. Racca*